App.F.IX-4

1925

File No. 63-25

Previous References (Jmcy)

Serial Nos. 7-8

Later references.
Jmcy 217-27-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for March 1926

SUBJECT

Requests the opinion of L & L. Secy. regarding the possibility of receiving the ~~said~~ suit filed by the Lade Swamiyar of Sri Rhimanakkal Mutt against B. Nagaswamachar & others

DE 63 dated 8.3.26 To the Jmcy. Comr

The D.C. may be asked to instruct the Public Prosecutor to file an application accompanied by an affidavit.

GENERAL AND REVENUE SECRETARIAT.

(Mazrai

NOTES.

File No. 63 / 1925

FILE HEADING.

O. S. no. 32/21-22 on the file of the Sub Judge's Court, Shimoga, filed by the late manager of Sri Bhimanakatte matt against B. Hayagrivachar and another.

From

The Inspr. Commissioner in Mysore

No. C. 52 Dated 5/2/1926 Received —

Diary No.	Enclos 2 Spare Copies.	Serial No.
883		

BRIEF ABSTRACT OF LETTER.

Requests the opinion of the Legal Secretary to Govt. regarding the possibility of receiving the said suit.

NOTES AND ORDERS.

The Dy. Comr's. letter of 30-1-26 explains the facts of the case. The late Bhimanakatte Swamy filed 3 suits and died during their

Submitted
6.2.1926.

NOTES—First Sheet.

Serial No.

pendency. As no application has filed within 6 months from that date, the suits were dismissed. It is proposed to revive them. There is no information about the subject-matter of these suits. Submit for orders.

6-2-[illegible]

6/2/26

The question is about the revival of the suit.

2) The D.C the S.C request his opinion of the Legislative Secy on the possibility of reviving the suits. (Vide para 3 of the D.C's letter).

3) The L.-L. Secy may be consulted.

Rev. Secy)

6/2

1st member)

6/2 8/2

2/37 8.2

4) Is this matter still under Govt management? If it is not, why should we not leave it to the persons to take such action as he likes after consulting his lawyers; and why should we offer him legal advice in the matter

6/2 6/2

5) The matter is still under Govt management as

NOTE—Contn. Sheet

Serial No.

is still a minor. We recently appointed him under as his agent in place of another man. May the L & Sec? be consulted?

Rev. Sec?
10/2/26

1st member 6) 10/2 10/2

The P.P. should be put up before remand is given.

file regarding the plot of Nagpur Ramnagar the agent, the matter has been mutt. to several Asst Com?s

344 12.2

12/2/26

7) The L & Sec? may be consulted as proposed

(7)

8) L. L duly with Compliments— 17/2 18/2

9) The D.C ought to have taken steps to get the order of abatement set aside immediately after he was appointed Trustee. It is for that officer to furnish satisfactory reason for not taking action.

10) However he may be asked to instruct the Govt Subordinate or Public Prosecutor to file an application under O 22, R. 9 C.P.C accompanied by an affidavit by D.C. explaining the delay.

Rev Sec?
with Compliments

23/2

683 1st member

11) Action may be taken as suggested by L. & Sec? by Immediate 4/3 4/3

NOTE—Contn Sheet

R. S III.2]

0583

Muzrai
Secretariat

Muz. File No. 63 of 192 5

Serial No.	
12	D/o Sir submitted for approval. AV 6.3.1926 6/3 Rev. Secy 6/3 13/ Issued 6/3
8	To. Mem Commr No 437 & 8.3.26 States that the D.C. may be asked to instruct Mr C. Subba Rao or the Public Prosecutor to file an applⁿ under O 22. R. 9 accompanied by an affidavit by the D.C. furnishing satisfactory reasons for not taking action under

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

33523

No. C52 Jrns Two Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 4th February 1926.

5 Jrns 882

Jrns REV. SECRETARIAT 25

From

B. Ramaswamaiya, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

GEN. & REV. SECTT. 6 FEB 1926 MUZRAI

GEN. & REV. SECTT. Br. Jrns To 5 FEB 1926 G. D. SECTION.

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

I have the honor to submit herewith copy of letter No.32 25-26 dated 30th January 1926 together with its enclosure received from the Deputy Commissioner, Shimoga District, regarding the -- possibility of reviving original suit No.32/21-22 on the file of the Sub-Judge's Court at Shimoga (Bheemanakatte Matha VS. ------ B. Hayagrivachar and B. Narayanachar) and to request you to be - so good as to consult the Legislative Secretary to Government and favour me with his opinion in the matter.

I have the honor to be,
Sir,
Your most obedient servant,
Illegible 4/2/26
for Muzrai Commissioner.
(Absent from station.)

KSR.

Letter No.No.D.O.32/25-26 dated 30th January 1926 from the Deputy Commissioner, Shimoga District to the Muzrai Commissioner in Mysore.

- - - - -

"I have the honor to state that the Amildar, Tirthahalli, in his D.O. dated 22-12-25 brought to my notice that three suits --- filed by the Sri Bheemanakatte Matha during the lifetime of the - previous Swamigalavaru were dismissed for the reason that no --- further action was taken by the Matha in respect of them, within six months of the death of the previous Swamigalavaru. Thereupon Mr. G. Subba Rao, Advocate, Shimoga was requested to intimate the exact stage at which each of these cases stood. The Advocate in his reply (extract enclosed) states that suit No.O.S. 32/21-22 of the Shimoga Sub Court, against B. Hayagrivachar and Naranachar (for Rs.6577-11-6 as stated by the Amildar) abated and was dismissed in January 1923. The Advocate is further of opinion that the said suit can be revived, provided the delay in applying for restoration of the suit is satisfactorily explained.

2. The Government appointed the Deputy Commissioner, Shimoga -- District as Trustee of the said Matha in June 1923, and the Swamigalu died in July 1922. Hence no action was taken within six months of the death of the previous Swamigalavaru.

3. In these circumstances, I request you to kindly consult the Government Advocate on the possibility of reviving the suit, and also in case the suit is to be revived, whether the application has to be filed by the Deputy Commissioner or the present Swamigalu or jointly by both.

4. On hearing from you, I will entrust the case, if need be, to a suitable Counsel. As regards the other two, of the three suits referred to in para 1 supra, I have called for further information from Mr. C. Subba Rao, Advocate, on receipt of which, I will ---- intimate to you the contents thereof."

"C o p y"

for Muzrai Commissioner.

KSR.

Sl.No.	Name of the Suit and Court.	Name of the Defendant.	Date of disposal and nature of disposal.	R E M A R K S.
x	x	x	x	x
9.	Shimoga Sub Court, O.S.No.32/21-22.	B. Hayagrivachar and B. Narayanachar.	Abated and dismissed in January 1923.	This case was for hearing on 13-7-1922 for filing Plaintiff's reply statement to defendant's written statement. As the plaintiff(previous swami)was dead, it was ordered to lie over(to file the L.R. application) and subsequently abated and was dismissed as no application was filed.If the case is to be revived and continued, an application under Order XXII R.9(2) of the Civil Procedure Code has to be filed for setting aside the order of abatement and dismissal, explaining the delay in making the application,that is,showing sufficient reasons for not making the application within 6 months of the death of the previous Swami. (Sd) C. Subbarao. (Advocate)

" E X T R A C T "

For Deputy Commissioner,
Shimoga District.

APP. F. VI. Gl.]

SUBJECT.....

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Section Amin

File No. 63-25

Diary No. of letter replied to.....

Seria No. 8

No. 1137

To The Inspl. Comr.

General and Revenue Secretariat

( )

the *192*

Sir,

Date of issue 8/3/26

Signed by M N

Adverting to your letter no. C. 52 Dy 5th February 26 ~~requesting for the Legislative Secretary's opinion regarding~~ in the matter ~~the possibility~~ of reviving O.S. no. 32/21-22 on the file of the Sub Judge's Court at Shimoga (Bheemanakatte Mattu vs B. Narayanachar and another), I am directed to state that the Dy. Comr., Shimoga, ~~may~~ is

List of enclosures.....

Copied by.....

Examined by.....

over

to have taken steps
to set the order of
abatement set aside
immediately after he was
appointed Trustee and
that it is for that Officer
to furnish satisfactory
reasons for not taking
action, and that he ~~may~~ ~~must~~ may be asked
~~However, I do not~~
~~request you to ask him~~
to instruct Mr C. Subba Rao
Sr. Public Prosecutor
to file an application
under O. 22. r 9, accompanied
by an affidavit by
Dy. Comr ~~explaining the~~ furnishing
~~delay~~ explanations regarding
delay. In default taking action against

I have etc

6/3
Dy Regr-Secretary.

6/3

6/3/26